

**WAVE2WAVE™**  
COMMUNICATIONS, INC.

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February 26, 2010

***VIA ECFS***

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, DC 20554

**Re: EB Docket No. 06-36; Annual Customer Proprietary Network Information  
Compliance Certification**

Dear Ms. Dortch:

Pursuant to 47 C.F.R. §64.2009(e), Wave2Wave Communications, Inc. hereby submits its Annual Customer Proprietary Network Information Compliance Certification. Should you have any questions regarding this submission, please direct them to the undersigned at (781) 613-9148, or e-mail [mtennis@rnkcom.com](mailto:mtennis@rnkcom.com).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew Tennis', is written over a horizontal line.

Matthew Tennis  
Counsel

Cc: Best Copy and Printing, Inc. via email ([FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM)) (1)

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2009

Date filed: February 26, 2010

Name of company(s) covered by this certification: Wave2Wave Communications, Inc.

Form 499 Filer ID: 826212

Name of signatory: Eric I. Mann

Title of signatory: Chief Financial Officer

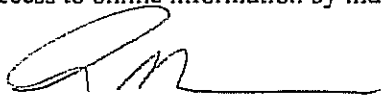
I, Eric I. Mann, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules (See attachment A).

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed



**Eric I. Mann/ Chief Financial Officer**

## Attachment A

### Statement of Wave2Wave Compliance Procedures

1. **Wave2Wave Use of CPNI:** Wave2Wave's operating procedures ensure that Wave2Wave is in compliance with the Commission's CPNI Rules. Except as required or permitted by law or Subpart U of Title 47 of the Code of Federal Regulations; 47 CFR 64.2001, et seq., Wave2Wave does not use CPNI.

Wave2Wave has internal policies and procedures in place to educate employees as to the confidential nature of CPNI and when disclosure of CPNI is appropriate. Wave2Wave's employee handbook, which employees are required to review and abide by, includes express policies obligating its employees to safeguard company proprietary information. Failure to do so is grounds for termination of employment. In an effort to ensure our employees understand the implications of unauthorized CPNI disclosure, this handbook includes specific employee obligations to protect CPNI. Wave2Wave's customer service personnel have also been instructed in the proper usage and protection of CPNI when dealing with customer service requests, and are also trained in how to identify "data mining". Further, Wave2Wave's standard Employee Non-Disclosure Agreement has a specific reference to CPNI as information protected by the agreement; failure to comply with the agreement is also grounds for termination of employment. In addition, Wave2Wave does not use or otherwise disclose CPNI for marketing purposes. Finally, Wave2Wave releases CPNI pursuant to lawfully executed instruments or authorizations, and in limited circumstances as described in Section 2.

2. **Carrier Authentication Requirements:** Customers with online accounts can access CPNI, where such access is allowed by Wave2Wave, through the use of a username/password combination. Regarding customer initiated phone conversations, Wave2Wave only discloses CPNI in specific situations. Wave2Wave has a limited Interconnected VoIP service offering for its business customers. Occasionally, VoIP customers will call into Wave2Wave's customer service system. For most inquiries (e.g., call detail record requests), these customers are not permitted to receive CPNI information over the phone. For billing inquiries, however, these VoIP customers are routed to a Wave2Wave customer service center where, after providing a password, they may receive information about their bills over the phone. In other circumstances where a customer requests CPNI, and does not have an online password protected account, procedures are in place to allow Wave2Wave employees to coordinate internally with legal and regulatory departments to carry out disclosure on a case-by-case basis in accordance with the CPNI Rules. For instance, Wave2Wave may provide CPNI to a requesting customer by sending it to their address of record. Wave2Wave may also provide routine customer service utilizing CPNI provided by a customer over the phone. Procedures such as these ensure that customers

receive technical support and information related to their services with minimal risk of unauthorized disclosure of CPNI.

3. **Notice of Unauthorized Disclosure:** Wave2Wave's operating procedures ensure that Wave2Wave is in compliance with the Commission's CPNI Rules regarding unauthorized disclosure of CPNI. In the event a Wave2Wave employee suspects an unauthorized disclosure of CPNI has occurred, Wave2Wave's internal procedures provide that the employee notify their supervisor, who coordinates with Wave2Wave's legal and regulatory departments to determine if a breach has occurred. In the event of breach, Wave2Wave's procedures provide that its legal and regulatory departments notify the United States Secret Service (USSS) and the FBI within seven business days through the online central reporting facility, and proceed according to the CPNI Rules.

Wave2Wave has put into place procedures to maintain records of unauthorized disclosures of CPNI, notifications to the USSS and the FBI regarding those disclosures, as well as the USSS and the FBI response to the notifications for a period of at least two years. These records will include the following, if available, for each unauthorized disclosure: the date Wave2Wave discovered the unauthorized disclosure, the date notice was sent to the USSS and FBI, a detailed description of the CPNI that was disclosed, and any other circumstances of the disclosure not covered under the above.

4. **Opt-in/Opt-out Procedures:** Presently, Wave2Wave does not utilize CPNI, for sales or marketing purposes, that would require the use of opt-in or opt-out procedures as described in the CPNI Rules.
5. **Wave2Wave Internal Policy and Disciplinary Policy:** Wave2Wave has adopted a policy requiring employees to comply with the CPNI Rules. Wave2Wave's policy provides that any employee who fails to comply with the Rules and Wave2Wave's internal policies is subject to severe disciplinary procedure, up to and including immediate termination depending on the nature of the offense and whether or not the noncompliance was intentional.